



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,693	03/14/2000	Junichiro Yamada	044499/0108	8885

22428 7590 05/06/2003

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

CHAWAN, SHEELA C

ART UNIT	PAPER NUMBER
----------	--------------

2625

DATE MAILED: 05/06/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

14

Office Action Summary

Application No.
09/524,693

Applicant(s)
Junichiro Yamada et al.,

Examiner
Sheela Chawan

Art Unit
2625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 24, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2625

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed on Feb 24, 2003 (paper # 6/A) have been fully considered but are deemed to be moot in view of the new grounds of rejection necessitated by applicant amendment .

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Piosenka et al. (US.4,993,068), in view of Miyate (US.5,095,196).

Art Unit: 2625

As per claims 1 and 8 , Piosenka teaches a personal identification device for executing personal identification by employing living body characteristics of a user (living body characteristics of a user is considered to be called as Bio data or biometric data fig 1, such as facial photograph or retinal pattern or fingerprint or voice patterns, column 3, lines 45- 59, column 4, lines 45- 68, column 5, lines 1-27):

identification condition data specifying at least one living body characteristic stored in a portable storage media carried by the user for the personal identification (identification condition data that specifies living body characteristic herein after is referred to bio data , abstract, column 2, lines 61- 66, column 8, lines 33-68) ;

a living body characteristic detector (fig 1, item 10) for detecting from the user the living body characteristic data corresponding to the identification condition data read by said identification condition data reader (column 2, lines 61- 68 , column 3, lines 1-8) ; and

an identifier for performing personal identification (column 3, lines 1-8, fig 1, 11-15) by comparing the living body characteristic data detected by the living body characteristic detector with living body characteristic data of users previously obtained (column 3, lines 44- 48, column 4, lines 45- 68, column 5, lines 1-19) .

Regarding claims 1 and 8, Piosenka discloses an automatic personal identification system in which biometric data specific to a person to be identified are carried by that person in an escort memory, an automatic comparison is later made between those stored biometric data and corresponding biometric data collected at a place and time at which the person is to establish his

Art Unit: 2625

or her identity . Piosenka performs a sort of hard copy of the user's credentials is written on a credit card having memory by media writer 40. Many forms of a digital storage medium are available to be used with this system . However, Piosenka do not explicitly discloses a device for identification condition data reader for reading and a peripheral controller to control the living body characteristic detector . However, Miyata discloses an object of the invention is to provide a check point security system which is capable of detecting a replacement of a photograph on an ID card (fig 1, column 1, lines 26- 36). The system comprises of :

a peripheral controller to control the living body characteristic detector (column 3, lines 60- 68, column 4, lines 1-31) , as shown by Miyata the use peripheral controller to control the living body characteristic detector, because this would provide a security system for checking a person's authority to pass a check point into a high security area and also is capable of examining a passer in a relatively short time (column 2, lines 23- 34) .

Therefore, it would have been obvious to one with ordinary skill in the art at the time of invention to incorporate the teaching as taught by Miyata's into the system of Piosenka, because, one with ordinary skill in the art would realize that this would provide a security system for checking a person's authority to pass a check point into a high security area and also is capable of examining a passer in a relatively short time, as suggested by Miyata at (column 2, lines 23-34) .

As per claims 2 and 5, teaches Piosenka teaches a personal identification device in which said portable storage media stores therein an identification algorithm for personal identification

Art Unit: 2625

employing said detected living body characteristic together with said living body characteristic data, and said identifier performs said personal identification by transferring said living body characteristic data detected from the user by said living body characteristic detector to said portable storage media (column 5, lines 52-64) .

As per claims 3 and 6 , Piosenka teaches a personal identification device in which said portable storage media stores therein said living body characteristic data, said identification condition reader reads said living body characteristic data from said portable storage media together with said identification condition data, and said identifier performs said personal identification by comparing said living body characteristics detected from the user by said living body characteristic detector with said living body characteristic data read from said portable storage media (column 4, lines 61- 68, column 5, lines 1-27) .

As per claim 4, claim 4 recites similar limitation as claim 1 above and similarly analyzed except for the step of a communicator for communicating with said central device as taught by Miyata (fig 3B, column 4, lines 32- 68) .

As per claim 7, Piosenka teaches a personal identification apparatus according to claim 4, in which said central device stores and manages said living body characteristic data for each user, revises said living body characteristic data for each user stored and managed by communication with each of said personal identification terminals, and controls identification results of users from said personal identification terminals (column 3, lines 34- 65, column 4, lines 1-16) .

Art Unit: 2625

As per claim 8, Piosenka teaches a personal identification method comprising the steps of:

storing into said portable storage media an identification algorithm for personal identification employing said living body characteristics together with said living body characteristic data (column 5, lines 52-68) ; and

transferring the living body characteristic data detected from said user to said portable storage media for personal identification (column 5, lines 52- 64).

As per claim 10, Piosenka teaches a personal identification method comprising the steps of:

storing said detected living characteristic data into said portable storage media (column 2, lines 61- 68) ; and

comparing the living body characteristic data detected from said user with said living body characteristic data read from said portable storage media (column 2, lines 61- 68, column 3, lines 1 - 8 , column 4, lines 55 - 68, column 5, lines 1 - 19, column 8, lines 33- 68) .

Art Unit: 2625

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2625

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Chawan whose telephone number is (703) 305-4876.

If attempts to reach the examiner on Monday through Thursday from 8:30 a.m. to 5:00 p.m. by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872 - 9314, (for formal communications intended for entry)

Or: Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703)305- 4750.

see
Sheela Chawan
Patent Examiner
Group Art Unit 2625
April 21, 2003


Jayanti K. Patel
Primary Examiner